SINGLE BENCH

C.F. 1001-

SINGLE BENCH (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO.3244 OF 2006

PETITIONER

Rajnarayan Gaharwar, S/o Shri B. Gaharwar, Aged about 51 years, Occupation – Block Education Officer, Rajpur, Tahsil Rajpur, District Surguja (C.G.)

P.N. No. 3296/06 Presented by Shri Rakesh Thakur Dated 31/7/06

V E R S U S

RESPONDENTS

1. State of Chhattisgarh, through: The Secretary, Tribal Welfare Department, DKS Bhawan Raipur (C.G.)
2. The Assistant Commissioner, Tribal Development Department ,Ambicapur District Sarguja (C.G.)
3. D.R. Yadav, Area Organizer, Chief Executive Officer Janapad Panchayat Bastar, District Bastar C.G.

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

(20)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 3244/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

4.7.2006

Shri Rakesh Pandey, Advocate for the petitioner.

Shri Ashutosh Singh Kachhawaha, Govt. Adv. with Miss Deepali Pandey, P.L. for the State on advance copy.

Heard.

The main grievance of the petitioner raised in this petition is that presently he is working as Block Education Officer, Rajpur and respondent No.3-D.R. Yadav, who is working as Area Organizer, has been transferred on the post of Block Education Officer, Rajpur, the post on which the petitioner is already working, but no order has been passed in respect of the petitioner. Therefore, the impugned order dated 28.6.2006 (Annexure P-1) be quashed whereby the respondent No.3 has been posted at the place of petitioner.

Learned Government Advocate for the State submits that he enquired from respondent No.2 herein about the correctness of position and on enquiry he has been informed that in fact the petitioner is presently working as Principal, Tribal Welfare Government Higher Secondary School, Gopalpur, which is at the distance of 8 km from Rajpur and vide order dated 6.9.2004 the petitioner ~~has been~~ a week given additional charge of Block Education Officer, Rajpur until further orders on a temporary basis. Now vide impugned order respondent No.3 has been posted as Block Education Officer, Rajpur, therefore, the order dated 6.9.2004 (Annexure P-2) comes to an end and the petitioner will continue to work as Principal, Tribal Welfare Government Higher Secondary School, Gopalpur, Block Rajpur.

(21)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

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	-2-	

Perusal of order Annexure P-2 shows that the petitioner was transferred on the post of Block Education Officer, Rajpur until further orders temporarily and it was never mentioned in this order that the petitioner is posted in addition to the charge of Principal of Tribal Welfare Government Higher Secondary School, Gopalpur. As such, confusion has been created by impugned order as well as order dated 6.9.2004 (Annexure P-2) and this position has to be clarified, because two persons cannot be posted at one place.

Accordingly, the Under Secretary, Government of C.G., Scheduled Castes and Scheduled Tribes Development Department, Raipur to pass appropriate orders clarifying the position, so that two persons are not remained posted at one place.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2491/06 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-